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**S-4236**  
**BILYEU'S 2ND MINOR SUBDIVISION**  
**Minor-Sketch Plan**

**STAFF REPORT**  
**April 27, 2011**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners and property owners, Arthur and Gerald Bilyeu, represented by Rusty Logan of Newport Surveying, are seeking primary approval for a one lot (plus one outlot) subdivision on 5.46 acres, located northwest of the Burton Road and Coolidge Road intersection, in Wayne 3 (Burnetts Reserve) 22-6.

**AREA ZONING PATTERNS:**

The property is zoned AW, Agricultural Wooded as is all adjacent land except across Burton Road to the east where property is zoned A, Agricultural. Flood Plain zoning associated with the Wabash River exists farther to the west.

This is the fourth and final division of land less than ten acres in area from the parent tract. Two parcels were created (P92-13 and P02-91) in the past when parcelizations were permitted in the AW zone. Bilyeu Minor Subdivision, a flag lot minor subdivision which created a single 2.61 acre lot, was approved by the APC in July of 2003.

There is a 3.415 acre tract within the parent tract that was intended to be made a part of one of the two parcels (P02-91). Because no "Exemption E" language (from the definition of "Subdivision" in the Unified Subdivision Ordinance) was included in the deed from 2008, a new property key number was assigned to this tract by the Auditor's Office. Either a corrective deed, with "Exemption E" language must be recorded to attach the 3.415 acres to the existing parcel prior to the final plat to correct this, or some other acceptable solution must be agreed to and put in action.

**AREA LAND USE PATTERNS:**

The site in question has an existing house and a barn; the outlot has two accessory buildings that are to remain in the same ownership as the existing house on Lot 1. The reason the outlot is necessary is because these two buildings are separated from the house by the driveway and "flag pole" portion of the original Bilyeu Subdivision lot.

**TRAFFIC AND TRANSPORTATION:**

Burton Road is classified as a rural local road by the adopted *County Thoroughfare Plan*. The required 30' half-width right-of-way has been shown on the sketch plan. An existing drive (with an ingress-egress easement created under the previous subdivision) is in place and serves the three existing houses in the area.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The County Surveyor's Office has already approved the drainage for this subdivision request.

A letter from the County Health Department states that it "has no record on file of the original installation or repair/replacement of the septic system. There has been no complaints filed pertaining to this sewage disposal system." The Health Department "is satisfied" that all requirements can be met.

**CONFORMANCE WITH UZO REQUIREMENTS:**

Setbacks shown are correct; no buffering is required. Lot width and area are sufficient.

**STAFF RECOMMENDATION:**

Conditional primary approval, contingent on the following:

A. Conditions

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.
5. Either a corrective deed with the required "Exemption E" language combining the 3.415 acre tract with the adjacent parcel shall be recorded or another solution meeting the requirements of the Unified Subdivision Ordinance shall be agreed to by staff and petitioner.